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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,526	09/05/2003	Kevin I. Bertness	C382.12-0163	9523

7590 10/05/2004

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EXAMINER

TERESINSKI, JOHN

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/656,526	BERTNESS, KEVIN I.	
	Examiner	Art Unit	
	John Teresinski	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/03, 4/29/04, 8-16-04, 8-23-04</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,316,914 to Bertness.

Regarding claims 1, 18 and 35, Bertness discloses a method and device including measurement circuitry configured to:

measure a first parameter of the electrical system between a first connection to the electrical system and a second connection to the electrical system (column 6 lines 35-37, 47-52);

measure a second parameter of the electrical system between a third connection to the electrical system and the second connection to the electrical system (column 6 lines 38-42, 53-58); and

a processor configured to determine a third electrical parameter of the electrical system as a function of the first parameter and the second parameter (column 6 lines 59-61).

Regarding claims 2 and 19, Bertness disclose providing multiple circuits for providing multiple parameters sensed as a function of other parameters (column 6 lines 25-29).

Regarding claims 3, 4, 20 and 21, Bertness discloses the first and second parameters are dynamic (column 3 lines 55-60) and measured in response to a forcing function (column 3 lines 53-55).

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Regarding claims 5, 6, 22 and 23, Bertness discloses the forcing function comprises an active forcing function and wherein the forcing function comprises passive forcing function (column 4 lines 45-48).

Regarding claims 7 and 24, Bertness discloses including Kelvin connectors to the electrical system (column 3 lines 47-48).

Regarding claims 8 and 25, Bertness discloses third electrical parameter comprises electrical resistance of a cable of the electrical system (column 3 lines 15-16).

Regarding claims 9 and 26, Bertness discloses the electrical system comprises an electrical system of a vehicle (column 3 lines 39-40).

Regarding claims 10, 11, 27 and 28, Bertness discloses determining electrical resistance in accordance to the equation as claimed (column 4 lines 60-63).

Regarding claims 12 and 29, Bertness discloses measurements indicative of a cold cranking amp measurement (column 7 lines 22-23).

Regarding claims 13-15 and 30-32, Bertness discloses an output configured to provide an output/ an output to an operator/ an output to electrical circuitry related to the third electrical parameter (column 5 lines 25-33).

Regarding claims 16 and 33, Bertness discloses a pass/fail output (column 3 lines 22-25).

Regarding claims 17 and 34, Bertness discloses output is indicative of a voltage drop for a particular current through the electrical system (column 5 lines 59-61).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (571) 272-2235. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT  
JT

September 29, 2004



**N. Le**  
**Supervisory Patent Examiner**  
**Technology Center 2800**